

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

K2M DESIGN, INC.,

Plaintiff,

-against-

SCHMIDT CONSULTING GROUP, INC.,
DR. PETER K. SCHMIDT, GENE LIM, and
FILMWEST GLOBAL PARTNERSHIP, LLC,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/22/2022

1:22-cv-03069 (MKV)

ORDER

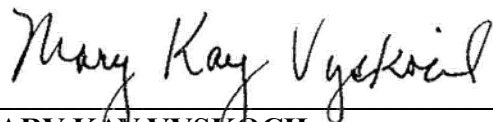
MARY KAY VYSKOCIL, United States District Judge:

On November 18, 2022, Plaintiff filed a Proposed Clerk's Certificate of Default as to Defendant Dr. Peter K. Schmidt. [ECF No. 38.] However, it remains unclear whether Defendant Schmidt, who is located in Germany, was properly served by Plaintiff.

Accordingly, IT IS HEREBY ORDERED that Plaintiff file a letter brief of no more than five (5) pages on or before December 12, 2022. The letter brief should provide legal authority substantiating Plaintiff's claim that service was properly effectuated on Defendant Schmidt, and should specifically address *In re S. Afr. Apartheid Litig.*, 643 F. Supp. 2d 423 (S.D.N.Y. 2009), where a judge in this District concluded that "service via the Central Authority is the *only* means by which an American plaintiff may serve a German defendant." *Id.* at 432 (emphasis in original).

SO ORDERED.

Date: November 22, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge